

REMARKS

The Office Action dated October 4, 2004, has been carefully considered. In the Office Action, the Patent Examiner rejected claims 1-16 as obvious over Fast et al. in view of Nagel. The rejections are respectfully traversed. Applicant respectfully requests reexamination and reconsideration of the application in view of the following remarks.

As a preliminary matter, it is asserted that the Patent Examiner has taken a superficial or incorrect reading of Fast et al. For example, the Examiner has asserted that "Fast et al. does not disclose a label holder with a front panel connected to the back panel along a bottom portion to form a cavity therebetween". See Office Action, page 3. This is factually inaccurate. Fast et al. does disclose such a structure as shown for example in FIG. 3 in which panel 16 is the back panel and panel 18 is the front panel and the cavity is "pocket 17". The Patent Examiner has attempted to take a superficial reading of Fast et al. to assert that the front panel 18 is actually the back panel of the claimed invention and that it would be obvious to make further additional revisions and modifications to such a design in view of Nagel to arrive at the claimed invention.¹ In particular, the Examiner has asserted that it would have been obvious to one of ordinary skill in the art at the time of the present invention to have replaced the sign holding portion taught by Fast et al. (18, 50 and 52) with the sign holding portion taught by Nagel (11 and 12) for the purpose of providing a more secure holding arrangement for a sign. What the rejection fails to recognize is that Fast et al. already discloses back and front panel members which form a pocket 17 for the receipt of a label which is captured in the pocket 17 between the two panel members 16 and 18. See Col. 4, lns. 40-60. The asserted reason for making the modification is thus not supported, and therefore the obviousness rejections cannot stand.

It is asserted that not a superficial reading of Fast et al. should be used, but instead the fair disclosure and teachings of Fast et al. should be used. Fast et al. already discloses the use of front and back panel members to form a label holding pocket or cavity. However, the distinction between Fast et al. and the present invention is that the mounting structure in Fast et al. does not connect to a common top flange to which the back panel connects. The true back panel 16 of Fast et al. as shown in FIG. 3 connects to a bottom flange 38 and not a common top flange to which the shelf clip portion is joined as set forth in claim 1 (note that the top flange is claimed as being proximate a top portion of the back panel). The Fast et al. reference also fails to teach or disclose a curved resilient hinge portion extending from the

¹ Such an addition of a further front panel to Fast et al. would add three parallel panels and render the label receiving pocket 17 not practically usable.

In re Appln. Of: Michael Brinkman et al.
Application No.: 10/743,215

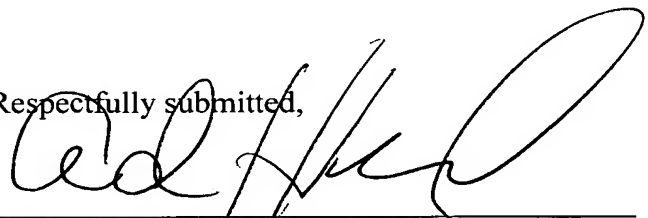
downward angled portion that wraps around the catch flange to form the upward flange. In view of these additional comments, it can be readily seen that Fast et al. falls far short of the claimed invention as set forth in claim 1. It also similarly falls short of claim 11 which is broader in certain respects, but also similarly distinguishes the Fast et al. reference.

It should be further pointed out that even if the references were combined, they still would not result in the claimed combination set forth in the claims. In particular, neither Fast et al. nor the Nagel reference are seen to disclose a curved resilient hinged portion that is extended from the downward angle portion that wraps around the catch flange to form an upward flange (see e.g. structures 38, 40, and 42 as shown in FIG. 1 of the present application). Accordingly, even if the two references were combined, they still would not result in the overall claimed combination. In light of the foregoing comments, Applicant respectfully requests the Examiner to withdraw the obviousness rejections that have been advanced and to provide an indication of allowance as to all claims in the present patent application.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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